



EB-2009-0056

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Espanola
Regional Hydro Distribution Corporation for an order
approving just and reasonable rates and other charges
for electricity distribution to be effective May 1, 2009.

INTERIM RATE ORDER

Espanola Regional Hydro Distribution Corporation (“ERHDC”) filed an application with the Ontario Energy Board, received on February 18, 2009, under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that ERHDC charges for electricity distribution, to be effective May 1, 2009. The Board assigned the application File Number EB-2009-0056.

ERHDC’s application is for approval to increase its distribution rates to include a provision for Payments in Lieu of Taxes (PILs), which is not included in either its current rates or the rates approved by the Board on March 13, 2009 to be effective May 1, 2009 (EB-2008-0173).

The Board issued a Notice of Written Hearing and Procedural Order No. 1 on March 16, 2009.

On April 1, 2009 ERHDC requested a delay in responding to the Board Staff interrogatories that were due on April 6, 2009, to April 24, 2009. ERHDC advised that it had received a communication on March 31, 2009 from the Ministry of Finance indicating that a decision on its Notice of Objection to a reassessment of 2001, 2002 and 2003 taxable income filed on February 6, 2006, was expected to be issued in “approximately 2 weeks”. The decision from the Ministry of Finance may impact the amount ERHDC is seeking to be included in its rates.

On April 21, 2009 ERHDC advised the Board that it had received communication from the “case administer” at the Ministry of Finance indicating that, as of April 21, 2009, a decision had not been issued for the Notice of Objection and that the decision is expected to be further delayed from the Ministry by at least 3 weeks. ERHDC requested to delay further its response to the Board Staff interrogatories and to have the Board declare its May 1, 2009 rates interim.

The Board accepts ERHDC’s reasons and declares the rates approved by the Board’s Decision issued March 13, 2009 (EB-2008-0173) to be interim, effective May 1, 2009.

In declaring ERHDC’s rates interim, the Board emphasizes that this interim rate order should not be construed as predictive, in any way whatsoever, of the final determination of this application with regards to the effective date.

The Board expects ERHDC to continue to provide written updates to all parties in this proceeding on the status of the decision from the Ministry of Finance on a timely basis.

THE BOARD ORDERS THAT:

The rates approved by the Board’s Decision issued March 13, 2009 (EB-2008-0173) to be effective May 1, 2009 are declared interim.

DATED at Toronto, April 23, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary